



PROPOSALS

FOR THE

AMENDMENT

OF THE

ROADS, &c.



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Hatfield in *Hertfordshire.*

PROPOSALS
AT LARGE,
For the EASY and EFFECTUAL
AMENDMENT
OF THE
ROADS,

By some further necessary
LAWS and REGULATIONS,
CONCERNING THE
WHEELS of all CARRIAGES;
AND THE
METHODS or RULES of TRAVELLING;
for the Advantage of All Persons.

To which are added,
Brief REMARKS and CONSIDERATIONS on
the foregoing PROPOSALS; tending
to prove the Necessity and Utility thereof.

By a GENTLEMAN. *K.*

Earnestly recommended to the Perusal of all
Members of PARLIAMENT, &c.

L O N D O N :

Printed for C. DAVIS, opposite *Gray's-Inn-Gate,*
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and J. BARNES, opposite the *Hay-market, Char-*
ing-Cross. MDCCLIII.

PROPOSALS

AMENDMENT

ROADS

LAW AND REGULATION

WITHIN THE PARISHES

OF THE COUNTY OF



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OF THE

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INTRODUCTION.

AT a Time when Peace is happily established Abroad, and our foreign Affairs are in so desirable a Situation ; when our Royal Sovereign has been graciously pleased to recommend to his Parliament the Consideration of salutary Laws at Home, and from the Throne to declare his own Desire of concurring in any Measures that may promote the Welfare of his People, it will not surely be deemed impertinent, to lay before the Publick the following Considerations, on a Subject so highly interesting to themselves, as is the present almost unpassable State of the Roads of these Kingdoms. A Grievance, which has been for many Years past very justly and universally complained of ; — which it is at last become absolutely necessary to be seriously attentive to, — and which therefore our Legislature have lately thought worthy their Notice.

B

I shall

INTRODUCTION.

I shall not need to point out the already but too obvious Inconveniencies, by which Travellers are every where subject to many great and dangerous Difficulties. — The Nobility and Gentry are prevented in their Journeyings, which would otherwise promote the natural Circulation amongst us (it being often impracticable for some of them to visit even their own Estates.) — The Farmers are overburthened and oppressed, and sometimes ruined by the Wear and Destruction of their Carriages and Horses; and when Providence is pleased to bless them with the most plentiful Harvests, are under a Necessity of diminishing those Benefits, by keeping much larger Teams, and more Carriages and Servants for the getting them in, than they would otherwise have Occasion for. — And when this is done, are not seldom disappointed of the most beneficial Markets, because the Ways are unpassable thereto; — many Lives are very frequently lost, and the Inland Trade in general suffers every where by the excessive Price of Carriage, and other Impediments and Hindrance in carrying on the same, occasioned by the present Difficulty of Conveyance, even from one trading Town to another; — and all this, notwithstanding

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notwithstanding the immense Sums of Money yearly raised and paid by the Commissioners of the Turnpikes, and others Surveyors of the Highways for the Repairs thereof.

I shall not presume to think any of those Gentlemen, who are Commissioners of the Turnpike Roads, defective, or in the least blameable in Point of Duty or Management under their present Powers, as I am of Opinion, much larger Revenues than they have the Direction of, would not be sufficient, without some further Regulations, to answer the intended Purposes, although a great deal less, under the following Proposals (should they be carried into Execution) would probably, in a very few Years, render the Roads every where safe and easy, and pleasant to the Traveller of any Denomination; — would prevent the foregoing, and many other great and hazardous Inconveniencies; — support the Farmers and Tenants in general, — encourage and promote the Inland Trade, not only by lessening the Price on the Carriage of Goods, but by the Patronage of the Nobility and Gentry, who would then be more frequently amongst them; — and make it delightful for Persons of Distinction to

B 2

travel,

INTRODUCTION.

travel, even in their own Country ; — and it must be confessed, that if these can be obtained, many other great and valuable Events would naturally arise thereout for the Publick Benefit.

I am indeed aware of sundry Objections and Difficulties which may be made to, and at first seem to arise out of several Parts thereof, but which, nevertheless, I apprehend may be easily refuted or overcome ; and in Answer thereto, shall also briefly add some further Considerations, by which, amongst many other Reasons which might be urged to prove their Efficacy, I am induced to believe, they cannot be attended with even any present material Inconveniency ; and that after only two or three Years Application and Perseverance in the Execution of them, the whole Nation would be sensible of their good Effects, by the agreeable Events thereof ; — or the Proposals themselves may be altered and amended by those Persons who are best qualified to do so, and have Power to take on themselves the Direction of so desirable a Work.

First, therefore, I shall offer the following Plan or Proposals of some Regulations to be wished for, relating to the Roads and Highways of these Kingdoms,

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doms, and of the Methods of travelling to be appointed therein, tending to the Preservation thereof, and the Safety and Welfare of His Majesty's Subjects, which, having long since considered them as the likeliest Means to answer the Ends proposed, I have oftentimes occasionally communicated to many sensible Persons, as well Farmers as others, who have generally approved thereof.

A PLAN

INTRODUCTION

deans and of the Method of travel-
horses be used in the city, leading to
the preservation thereof, and the safety
and welfare of the public subjects,
which, after long and careful
thought as the best means to answer
the ends proposed, I have considered
occasionally communicated to many
learned persons, as well as to many
others, who have generally approved
thereof.

A PLAN



A
P L A N
O R
P R O P O S A L S
For the AMENDMENT of the
R O A D S, &c.



I. **F**ORASMUCH as the great Preamble.
Roads and Highways in these
Kingdoms are become ruinous and de-
cay'd, and the lesser Highways or Cross-
roads leading from the respective Towns
and Villages to each other are also de-
cayed, so as that they are in many Places
unpassable; occasioned by the great
Pressure of the many heavy Carriages
used on the said Roads, with their nar-
row Wheels, with which they have been
accustomed to be drawn, and by the
uncertain

PROPOSALS for the

uncertain Breadth or Distance between their said Wheels, with which they have worn and torn up the said Roads in almost all parts thereof, to the great Hazard and Annoyance of the Travellers within these Realms, and Hindrance of the Inland Trade thereof.

For the Amendment thereof it is proposed,

All Wag-
gons, Carts,
and other
Carriages,
drawn with
more than
two Horses
(except only
Coaches,
Chariots,
Chaises, &c.)
shall have
the Wheels
thereof with
their Fellies
of the thick-
ness, or Tiers
of the
Breadth of
nine Inches.

2. That from and after the Day of all Waggon, Carts, and other Wheel Carriages whatsoever, which shall be made use of in all or any of the Parts of these Kingdoms, for the carrying of any kind of Grain, Hay, Straw, Coal, Chalk, Timber, Stones, Lead, Iron, Materials for Building, Goods, Wares, or Merchandizes, or any kind of Burthens, and which shall be drawn at any one Time with more than two Horses, or other Cattle, (the Carriages of or for Artillery, and all kinds of Coaches, Chariots, Chaises, and Chaises-Marine, and all other Carriages made for the Conveyance of Persons or Passengers therein only excepted) shall have and use only all the Wheels thereof of the Thickness in their Fellies, or Breadth in the Tier, or outer Circumference thereof of * nine Inches at the least.

* Or eight
Inches at the
least.

3. And

3. And that all the said Wheels of all such Carriages above-mentioned (and except only as therein excepted) shall also be of one certain or determinate Width or Distance cross-ways on the Roads between each other; that is to say, Of the Width or Distance, in the Clear within, of four Feet and eight Inches; and from the two outermost Edges of the Fellies or Tiers thereof, of the Width or Distance of six Feet * and two Inches, and neither more nor less, save only to allow for the necessary side Motion or Play thereof.

And their said Wheels shall also respectively be of the Width or Distance cross-ways, on the Roads between each other, in the Clear within, of four Feet and eight Inches, and from the two outer Edges of their Fellies of six Feet and two Inches.

4. That all or any such Carriages, and also all or any other Wheel Carriages or Carriage whatsoever, shall or may hereafter, at any Time, be drawn or used by or with any Number not exceeding six Horses, or other Cattle; and shall also be at Liberty to carry any Weight or Burden not exceeding five Tons, the Weight of such Carriage being therein also to be included: But that, from and after the said

Any Wheel Carriages may be drawn by any Number not exceeding six Horses or other Cattle; and may draw any Weight, not exceeding five Tons; but that no Carriage whatsoever (except only as herein excepted) shall be drawn by

Day of no Waggon, Cart, or other Wheel Carriage whatsoever, whereon any Burdens shall be carried or drawn (except only when they

C

are

* Or six Feet only, if the Tiers of but eight Inches.

any greater
Number of
Horses, or
other Cattle,
save only in
Case of E-
mergencies,
as by former
Statutes.

are made Use of in and about Husban-
dry, manuring of Lands, carrying of
Hay, Straw, Corn unthreshed, Coal,
Chalk, Timber, Stones, Materials for
Building, or Artillery, or in or about
the King's Service) shall, at any Time,
be drawn or go, in or upon any Road
or Highway, with above or more than
the Number of six Horses, or other
Cattle (save only in Case of Emergen-
cies for travelling up Hills, as in former
Statutes).

All Wheel
Carriages,
which shall
at any Time
be drawn in
any Road
(not being
within three
Miles of *Lon-
don*) with
more than
three Horses,
or other Cat-
tle, shall be
drawn with
their said
Horses, or
other Cattle,
in Pairs a-
breast of each
other.

5. And that all such Waggon, Carts,
and other Wheel Carriages whatsoever,
and every of them, which, from or
after the said Day of

at any Time, shall be drawn
or go in any Road or Roads, or High-
way, within these Realms (save and ex-
cept only in Places which are within
three Miles of *London*, to be computed
from the first or nearest Turnpike thereto
in the Way leading therefrom) with
more than or above the Number of three
Horses, or other Cattle, shall be drawn
with their said Horses, or other Cattle,
in Pairs abreast of each other, if by
four or six of them, in their respective
Tracts or Quarters, in such Manner as
Coaches are accustomed to be drawn,
with a Pole between the Wheel Horses,

or

Amendment of the Roads, &c.

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or in double Shafts, and the other in Lines before them respectively; the single Horse only, if there be five of them, to be placed in such Manner as may be thought best by the Driver thereof.

6. And that, from and after the same Day of That all
Coaches, Chariots, and Chaises, and all Coaches,
Chaises-marine, and also all other Car- Chariots,
riages which shall be made and used for Chaises-ma-
the Conveyance of Persons or Passengers rine, &c. and
therein, being drawn either with six also all Carts
Horses or otherwise; and also all such and Car-
Carts, and other Wheel Carriages what- riages for
soever, for the carrying of Goods, the carrying
Things, or any Kind of Burdens, as of Burdens
shall not at any one Time be drawn by and Things,
more than two Horses, or other Cattle, which shall
in any Place or Places within these not be drawn
Realms (the Carriages of or for Artil- by more
lery only being excepted) shall have and than two
use only all the Wheels thereof of the Horses, (the
Thickness in their Fellies, or Breadth Carriages
in the Tiers, or outer Circumference of Artillery
thereof, of four Inches at the least, and excepted)
* not exceeding nine Inches, or as near shall have the
thereto Wheels
thereof, with
their Fellies,
of the Thick-
ness, or Tiers
of the
Breadth, of
four Inches,
at the least,

C 2

* This for the Benefit of Carts with two Horses, who may then do therein as they like best, but only to eight Inches, if the Waggon Wheels are so directed.

PROPOSALS for the

thereto as they may conveniently be wrought.

And of the Width or Distance cross-ways from each other, of five Feet five Inches, including half the Thickness of the Fellies of the two opposite Wheels.

7. And that the Wheels of all such Coaches, Chariots, and Chaises, and also of all such Carts, and other Carriages, for the carrying of Burdens, and which shall not be drawn, at any one Time, by more than two Horses, or other Cattle, as aforesaid, shall also be of one certain or determinate Width or Distance cross-ways on the Roads from each other; that is to say, Of the Width or Distance from the middle Part, or half Space, of the Thickness of their Fellies; or, including half the Breadth of the Tier, or outer Circumference, of the two opposite Wheels, of * five Feet and five Inches, and neither more or less, save only to allow for the necessary side Motion or Play thereof.

Penalties if otherwise,

8. And that, from and after the said Day of if any Wheel Carriage shall, at any Time, be found travelling or going in or upon any of the Roads or Highways in these Kingdoms, with the Wheels thereof, or any

* If the Waggon Wheels should be only eight Inches broad, this Distance must be only five Feet four Inches; to the Intent they may pass on freely in the very Middle of the broader Wheel Tracts, which will not then be any the least Impediment thereto.

any of them, being of any other Dimensions or Breadth, on the Fellies or Tier, or outer Circumference thereof, or of any other Distance cross-ways from each other respectively than as above-mentioned; or which shall be made or set upon the Roads, or used in any other Manner than according to the true Intent and Meaning of the Directions herein before for that Purpose; or the Horses, or other Cattle, whereof shall draw therein, or be set, or placed, or harnessed thereto, or upon the said Roads, in any other Manner than as aforesaid; all and every the Owner or ^{on the Own-} Owners of every such offending Car-^{ers}riage shall forfeit and pay the Penalty or Sum of Forty Shillings for every such Offence; and the Makers also of all ^{and Makers} such Wheels, so otherwise by them at ^{also of the} ~~any~~ Time made than as aforesaid, to be ^{Wheels;} also subject to the Penalty of Twenty Shillings for every such Wheel which shall have been by them so otherwise made; and the Makers of all such Car-^{or Carriages.}riages, whereof the Wheels shall be set or placed of any other Distance cross-ways from each other respectively than as above-mentioned, shall, in like Manner, also be subject to the Penalty of Forty Shillings for every such Offence;
all

How, and to all of which said Penalties, and every whom, to be of them, shall be levied, raised, and levied, raised, paid, on the Conviction of any such ed, and paid; Offenders, according to the Directions

and the of-
fending
Wheels,
or Axel-
trees,

to be bro-
ken, burnt,
or destroyed.

The deep
Ruts and
Holes in the
Roads to be
levelled;
and when;

herein after for that Purpose mention-
ed, in such Manner, and to and for such
Persons, Uses, Intents, and Purposes,
as is and are herein after-mentioned and
expressed concerning the same; and all
and every such Wheels as shall be so
found to be otherwise made than as
aforesaid, or the Axel-trees whereon
the Wheels shall be placed or set of any
other Distance cross-ways, on the Road
or Ground, from each other than as be-
fore directed, of every such offending
Carriage shall also, by the Order of such
Justice or Justices of Peace before whom
such Offence or Offences shall be at any
Time proved, or on his or their View
thereof, be forthwith seized upon, or
taken away and broken, burnt or de-
stroyed.

9. That, in some short but reason-
able Time before the Commencement
of the above Regulations, the Furrows
or Ridges of the deep Ruts and Holes
in the Roads and Highways shall every
where be filled in, and laid level or even,
for the Accommodation of the Wheel
Carriages, in such Manner as that they
may

may be then able to pass over the same; and that these shall be done, and also ^{and by} all future Alterations, Amendments, and ^{whom.} Repairs, in and about the said Roads and Highways, or any Ways relating thereto, by such Persons, in such Manner, and under the like Regulations and Appointments, and subject to the same Rates, Duties, and Assessments, for the doing thereof, and Penalties or Forfeitures for the Neglect thereof, as by all or any of the former Statutes, Laws, Usages, or Customs, of these Realms they hitherto have, or ought to have, been done, save and except only in any such Cases, Methods, Matters, or Things, as shall be contrary or repugnant to the true Intent or Meaning of any of the Clauses or Directions herein.

10. And that all the Roads in these Kingdoms, as well the cross Roads, or lesser Highways, leading from the respective Towns and Villages to each other, as the greater or Post Roads in all Places (except only those whose Situation shall render it impossible to make them so) as soon as conveniently they may, shall be made every where completely wide enough for two Carriages at the least, and their Drivers, with sufficient Room also for Foot-passengers; that

^{And all the Roads, where practicable, shall be made of the Width or Breadth of eighteen Feet at the least.}

PROPOSALS for the

that is to say, altogether of the Width or Breadth of eighteen Feet in the clear Passage thereof at the least.

The Commissioners of the Turnpike Roads, and Surveyors of the Highways, in their respective Districts, empowered to widen any such Roads accordingly, with the approbation of their Surveyor, or Supervisor-general, and by the Order of the Justices in their General or Quarter-Sessions;

by laying down any of the adjoining Lands thereto.

11. And, for the more effectual carrying these Laws into Execution, that it shall and may be lawful for the Commissioners of Turnpike Roads, or Surveyors of the Highways, or any of them, in their respective Places or Districts, by and with the Approbation or Direction of the Surveyor or Supervisor-general of all the publick Roads and Highways, in their respective Counties (to be appointed in Manner herein after mentioned) and by the Order of the Justices of the Peace of the County or City within whose Limits or Boundaries such Places lie, or of the major Part of them in their General or Quarter-Sessions assembled, and which, for that Purpose, shall be first had and obtained, to enlarge or widen any of the publick Roads or Highways in their respective Counties, or any Parts or Places thereof, by taking in and laying down the Lands or Grounds on either or both Sides thereof, in such Manner, Parts, or Proportions, as they shall judge best, or most commodious, for the Widening, Enlarging, or Making, of such publick Roads or Highways, of the aforesaid Width or Breadth,

Breadth, in the clear Passage thereof, of eighteen Feet at the least.

12. And, for the more just or equitable obtaining of such Orders and Satisfaction of the Owners of such Lands or Grounds, that the said Justices, on the Request of any Commissioners or Surveyors for such Order, shall, from their General or Quarter-Sessions, first issue out and send their Summons or Precept to the Owners of any such Lands or Grounds intended to be laid into the said Highways, to appear before them, by themselves or their Agents, at their next General or Quarter-Sessions, and shew Cause why the said publick Roads or Highways should not be enlarged in such Manner as aforesaid; and then, at their said next General or Quarter-Sessions, for want of such Appearance, or any reasonable Cause shewn to the contrary, shall impanel a Jury of Twelve honest Men, Freeholders or Copyholders, of their said County, and administer an Oath to them, that they will well and truly rate, assess, or award, such Value, Damage, or Recompence, to the Owners, or other Persons interested in such Lands and Grounds (not exceeding the Value of *10* Years Purchase for the same)

That the said Justices, at their General or Quarter-Sessions, on any Application for such Order, shall summons the Owners of such Lands;

and, for want of their Appearance, or any reasonable Cause shewn to the contrary, shall impanel a Jury; who, upon Oath,

shall award the Value or Price to be paid for the Purchase of such Lands; and the Justices shall make such Order accordingly, for any such Commissioners or Surveyors as aforesaid; who, upon Payment of the Money so awarded, or leaving it with the Treasurer of the County for the Owner's Use, shall be at Liberty to lay down the Lands, in such Order mentioned, into the publick Road: And the said Order or Decree of the Justices shall be final.

as the said Jury shall think most reasonable; and which said Jury shall determine and award the Price or Value which shall be paid to the Owner or Owners of any such Lands for the same; and the said Justices in their said Sessions, or the major Part of them, shall thereupon forthwith make such Order for the said Commissioners or Surveyors, or any of them, accordingly; who, upon Payment of the said Money, so awarded, to such Person or Persons as shall be, in their said Order for that Purpose, mentioned to be the Owner or Owners thereof, or leaving it in the Hands of the Treasurer of the County where such Lands or Grounds shall lie, for the Use of such Owner or Owners, shall be at Liberty to lay all and every such Lands or Grounds into such publick Road or Roads, or Highway, in such Manner as shall be, in their said Order of Session, for that Purpose expressed, according to the true Intent and Meaning hereof, or of any former Law or Statute not repugnant or contradictory hereto; and the said Order or Decree of the said Justices shall be final or conclusive, even in the Case of Infants, or any Kind of Trust; and from thenceforth all the

Pro-

Property or Interest of the Owner or Owners of all and every such Lands or Grounds shall therein cease, and be divested out of them, and every of them; and the said Lands and Grounds so laid into the said publick Roads, or any of them, shall be deemed and taken to be a publick Highway, to all Intents and Purposes whatsoever.

13. Provided nevertheless, That after any such Order or Decree shall be made, for the laying down of Lands or Grounds for enlarging the Highways as aforesaid, the said Commissioners or Surveyors, and every or any of them, in their respective Places or Districts, shall and may be impowered also, by themselves or Agents, to cut down any Wood, Timber, or Trees, growing upon such Grounds, which shall be fetched away by the Owners thereof in three Weeks after Notice shall have been given to them, or their Tenants, or other Occupiers of such Grounds, or Receivers of the Rents thereof, for that Purpose; or, in Default thereof, shall be sold by such Commissioners or Surveyors of the Highways, or any of them; and the Moneys arising by the Sale thereof, shall be by them paid to such Owner or Owners, or their known Receiver,

The Owner's Interest in such Lands shall thenceforwards cease; and the same shall be deemed a publick Highway.

That after any such Order or Decree shall be made, the said Commissioners or Surveyors may cut down Timber or Trees growing on any such Lands; which shall be fetched away by the Owners in three Weeks after Notice; or otherwise shall be sold by such Commissioners or Surveyors, and the Moneys arising by such Sale thereof, shall

PROPOSALS for the

be paid to
the said Own-
ers, or left
with the
Treasurer of
the County,
for their Use.

The Justices
impowered
to make an
additional
Rate for de-
fraying the
Expence
thereof;

which shall
be only ap-
plied in the
purchasing
of such
Lands;

or to the said Treasurer of the County,
for the Use of such Owner or Owners
thereof respectively.

14. And, for defraying the Expence
of purchasing any such Lands or Grounds
for the Purpose of enlarging or widen-
ing any of the said publick Highways,
as aforesaid, in Places only where it shall
be found absolutely necessary to make
any further Rates or Assessments for de-
fraying thereof, than such as are already
by Law allowable, the said Justices of
Peace in their General or Quarter-Sessions,
or the major Part of them, shall be im-
powered to order any further or addition-
al Rates or Assessments, not exceeding,
in any One Year, the Rate of Six-pence
in the Pound for Lands, nor the like
Rate of Six-pence in the Pound for per-
sonal Estates, to be paid by all such Per-
sons as ought to repair * the said High-
ways, over and besides all such other
Rates, Assessments, or Duties, as they
are at present by Law rateable or charge-
able with; and all the Moneys which
shall be raised by such further or addition-
al Rates or Assessments, shall be only
paid, laid out, or employed, in Aid of
such former or other allowable Rates
and

* Or see otherwise, as hereafter, at the End of the
Brief Remarks, &c.

and Assessments, for or about the purchasing any such Lands or Grounds, and laying them into the Highway, as aforesaid; and shall be also levied or raised by such Persons, in the same Manner as and with such former or other necessary Rates or Assessments.

and how to
be levied or
raised.

15. That it shall and may be lawful also for all such Commissioners or Surveyors of the Highways, or any of them, in their respective Places or Districts, where it shall appear that the Ditches, Drains, or Outlets of the Water, from their said Roads, shall not be sufficient for carrying off the same, to make or dig any new or other Ditches, Trenches, Drains, or Outlets for Water from their said Highways in, upon, or through, all or any of the Lands or Grounds near, or adjoining to, such Roads (Orchards and Garden Grounds, and the Courts, Yards, and other necessary Places, inclosed and belonging to any House, and also all Parks, Avenues, and planted Walks, only excepted) and from time to time also, as often as Need shall require, as well to make or dig, and to repair, cleanse, scour, and keep open, the same; and also all former or other ancient Ditches, Drains, or Outlets, from their said Highways, as in and about their

Commission-
ers of Turn-
pike Roads,
and Survey-
ors of High-
ways, may
cut any new
Drains, &c.

PROPOSALS for the

their said Duty of widening or enlarging their said Highways, it shall and may be lawful for the said Commissioners or Surveyors, or any of them, and also for their said Surveyor or Supervisor-General, and their and every, or any, of their Servants, Workmen, or Agents, with Carts, Carriages, and Horses, and all Kind of Necessaries, or without, at all reasonable Times to enter, or come or go into or upon, and be in all and every or any of the said Lands or Grounds (except only as before excepted) with full and free Liberty of ingress, egress, or regress thereto or therefrom, and reasonable Continuance thereupon, for viewing the same, or the doing any of their said necessary Works or Business therein; doing nevertheless thereto as little Damage or Injury as the Nature of their said Business therein shall require.

Shall also set
up Way-posts
at the Ends
of all Cross-
roads, &c.
for the Di-
rection of
Travellers.

16. And, for the greater Conveniency, or better Direction, of all Travellers, in any of their respective Journeyings, That on this Side and before the Day of the said Commissioners of the Turnpike Roads and Surveyors of Highways, and every of them, in their respective Parishes or Places, and Districts, on all the Roads without or between

between the Towns and Villages in these Kingdoms, or such other Persons who ought to repair the said Roads, shall make and fix up, or cause or procure to be made and fixed up, in the most commodious and conspicuous Places in their said Roads and Highways, where any cross, or different, or other Roads, meet or join therein, at the Ends of all and every such cross, or different, or other Roads, and of all passable Ways and Turnings for Wheel Carriages into, and out of, all such Roads and Cross-roads, and every of them, substantial, good, and sufficient Way-posts, with plain and legible Directions (to be cut out, or carved, or conspicuously painted) thereon, through what Place or Places, or Villages, such Road, Cross-road, or Turning, leadeth or goes, to the next Market-Town, with the Name also thereof, and known or computed Distance thereto.

17. And that all and every such Way-posts shall afterwards always be kept up and maintained legible, and repaired or renewed, from time to time, by such Persons, Commissioners of Turnpike Roads, or Surveyors of the Highways, or others, by whom the several Roads or Places where they shall be so fixed up, By whom to be repaired.

PROPOSALS for the

up, as aforesaid, are or ought to be repaired.

Penalties for
Neglects re-
lating to such
Way-posts :

18. And all and every such Person or Persons aforesaid, who shall neglect or refuse to set up, or to repair, any such Way-posts as aforesaid, shall be subject or liable to the Penalty of Twenty Shillings for every such Neglect or Refusal so to do; to be levied, or raised and paid, in such Manner, and to and for such Persons and Purposes, as is and are herein after directed and mentioned concerning the same.

And for de-
facing or de-
stroying
them.

19. And all and every Person and Persons, who shall hereafter, at any Time, be found guilty of pulling up or cutting down, or wilfully breaking or defacing, obliterating or destroying, any of such Way-posts, or any other Post or Stone for Directions or Security in the said Roads, he, she, and they, and each and every of them, so offending, shall forfeit and pay, or be liable also in like Manner, to the Penalty of Forty Shillings, or to suffer Imprisonment for every such Offence.

Rules or
Methods of
travelling on
the Roads,
in all Places.

20. And, for avoiding the Inconveniency of the Meeting or Interfering of heavy Carriages in their respective Ways on the said Roads, and preventing any future Accidents which may otherwise happen

happen thereby, or by Reason or Means of Travellers on Horseback riding against and endangering the Lives of each other, it may be appointed a Rule or Custom of Travelling, That, for the future, in all Places where there now are, or is, or shall be, convenient Room for two such Passages or Tracts as before-mentioned, all Wheel Carriages whatsoever, and also all such other Travellers on Horseback on the said Roads, and every of them, shall constantly be drawn in and keep, or travel in or upon, the left-hand Tracts, or Passages, or Sides, of the said Roads (except only for the passing by each other, or where any Emergency, or Occasion of calling at any House or Place to set down Passengers or Goods, or to alight, shall make it necessary to do otherwise, and for the enforcing thereof.

21. That, from and after the
Day of all and
every, or any, such Carriages or Carriage, as shall at any Time be found travelling in any other than such left-hand Tract or Passage, in any Road where there shall be two Tracts only, or convenient Room for the same, as aforesaid, or on the left-hand Half or Side of any greater Road, shall be forth-
E with

Penalties on
the Drivers
of Wheel
Carriages
otherwise
travelling,
for not
giving Way:

PROPOSALS for the

with drawn out of the Way for, and give place to, any other Wheel Carriage whatsoever which shall be travelling therein, according to the Manner and Directions herein before for that Purpose given; subject to, and under the Penalty of, Ten Shillings for every Neglect or Refusal immediately so to do: And which said Penalty the Driver thereof shall forfeit and pay, or be liable to, or to suffer, such other Punishment, by Imprisonment, for or otherwise, as the Justice or Justices, before whom any such Offence shall be proved in Manner herein after directed, shall think fit to order or appoint for every such Offence.

And on Travellers on Horseback also.

22. And also, that all and every such other Travellers or Traveller on Horseback as shall, at any Time after the same

Day of be found travelling or riding in any other than the left-hand Half or Side of any Road or Roads wheresoever, shall forthwith pass or ride out of the Way, and give place to, any one or more other Horseman or Horsemen who shall be travelling or riding therein, according to the Manner and Directions herein before for that Purpose given; subject to, and under, the like Penalty, or other Punishment,

ment, for every Neglect or Refusal immediately so to do, as in the Case of offending Drivers of Wheel Carriages is above mentioned and directed: And which said Penalties, incurred either by the said Drivers of Wheel Carriages, or by any such offending Horseman, shall be also levied, raised, and paid, in such Manner, and to and for such Persons and Purposes, as is and are herein after directed and mentioned concerning the same.

23. And forasmuch as it has been found, that the Surveyors of the Highways, in many Places, have either not been of themselves sufficiently knowing or qualified to discharge the Duty of their Offices, or have been otherwise too negligent or remiss therein; for the Remedying thereof it may be provided, That a competent or proper Person shall be appointed (the first of whom to be by such Act appointed) in every County, by the Title of Surveyor, or Supervisor-General, of all the publick Roads and Highways in the County whereof he shall be so appointed, and Director of the defective Repairs therein; whose Business or Duty it shall be to superintend, and enforce or direct, the necessary and defective Repairs of all the

A Surveyor, or Supervisor-General and Director, shall be appointed in every County;

the first of whom by Act of Parliament;

to superintend, and enforce or direct, the de-

E 2

said

PROPOSALS for the

fective Repairs of all the publick Roads or Highways therein.

saïd publick Roads and Highways within his County as aforesaid; and of all the Ditches, Dykes, Drains, and Outlets, of Water therefrom; and of all the Hedges, Banks, Way-posts, and other necessary Posts and Things therein or thereupon, or any Ways belonging thereto.

And all future ones to be appointed by the Justices in their respective Counties; and how.

24. And that all future or other such Persons, Surveyors, or Supervisors-General and Directors, as aforesaid, on the Death, or Resignation, or Removal, out of his saïd Office, in the Manner, and for the Reasons, herein after mentioned of any former or other of them, shall be from time to time afterwards chosen and appointed at any General Session, or Meeting of the Justices of the Peace in their respective Counties, to be by them, or any Six of them, appointed to be held at any Time, after Two Months publick Notice shall have been given to all the Justices of any such County respectively of their Intention so to do, by all, or the major Part of, such Justices in their saïd General Session or Meeting for that Purpose assembled.

His Salary, and travelling Expenses.

25. And that every such Surveyor, or Supervisor-General and Director, shall be paid or receive a yearly Sum or Salary,

ry, not exceeding for
and from a greater, nor less than

for and from any lesser
County; which shall also be declared,
or limited and allowed, by the same
Justices, for himself, and one or two
riding or other Clerks; and also the fur-
ther yearly Sum, not greater than

nor less than
for his and their Horses, and travelling
Expences, in and about his said Duty
of superintending, and directing and en-
forcing, the necessary Repairs of the
said Roads and Highways, and of all
the Business, Works, and Things, re-
lating thereto, in his said County, when
they are not sufficiently done by such
other Persons who ought to repair or
do the same.

26. And that the said Two several How to be
raised and
paid.
yearly Sums of Money, for his Salary
and travelling Expences, as aforesaid,
shall be quarterly paid to him by the
Treasurer of his said County; and shall
be raised, together with all other Charges
and Expences necessarily incident there-
to, by General County Rates adequate
thereto, to be made and levied in the
same Manner as other County Rates,
and collected also into the Hands of such
Treasurer for that Purpose.

27. And

PROPOSALS for the

Power of
such Sur-
veyor, or
Supervisor-
General,

to view the
said Roads
and High-
ways;

27. And, for the more effectual enabling all and every the said Surveyors, and Supervisors-General and Directors, in their respective Counties, to execute and do the Duties of their said Offices, that it shall and may be lawful for them, and every of them, from time to time, in their said respective Counties, to view, search, and see, the State and Condition of all the publick Roads and Highways therein, and of the Ditches, Dykes, Drains, and other Outlets, for Water therefrom, and of the Hedges, Fences, Banks, Way-posts, and other Posts, and all other Matters and Things belonging, or any ways relating, thereto; and, for that Purpose, to come, or go, or be, or to take or send, any of their Servants, Workmen, or Agents, into or upon any of the necessary Lands or Grounds, without being Trespassers therein; and of all such Defects, or Want of Reparations or Amendments, Cleansings, Scourings, Cuttings, Diggings, or other Actings, Doings, or Things, or Business whatsoever, as shall be found necessary to be done therein or thereto, or of any necessary Widening or Enlarging of their said Roads or Highways, or of any Parts thereof, from time

time to time to send, or give Notice in Writing of the Nature and Place thereof, to or for one or more of the Commissioners of the Turnpike Road, or their Clerk, if in a Turnpike Road, or to the Surveyor of the Highways, or other proper Person or Persons if in any other Place, by whom the same ought to have been directed or done, at his or their Place or Places of Abode.

28. And that then the said Commissioner or Commissioners, Surveyor or Surveyors, or other proper Person or Persons, or the City, Town, or other Parish, or Place or Places, to whom it shall appertain to do the same, if such Notice shall be to enlarge or widen any of their said Roads or Highways, shall, at the General or Quarter-Sessions of the Peace in and for their respective Counties, which shall be held next after One Month from the Receipt of such Notice, apply, or cause Application to be made, to the said Justices, for their Order or Decree for the doing thereof; and, after the Obtainment of such Order or Decree, in Manner herein before-mentioned, shall then forthwith proceed to do the same, or to cause or procure all and every such Part or Places in their said Roads or Highways, as shall be

and to give
Notice of
any Defects.

The said
Commission-
ers, and other
Surveyors,
after any
such Notice,
to widen or
enlarge their
said Roads.
How, and in
what Man-
ner, and
within what
Time to do
so.

PROPOSALS for the

be mentioned in such Order or Decree of Sessions for that Purpose, to be well and sufficiently enlarged, widened, or done, and completely finish the same within One Year next after such Order or Decree shall have been so obtained for the doing thereof, according to the true Intent and Meaning of such Order and Decree, and of the Directions herein before also for that Purpose mentioned; subject to, and under, the Penalty or Forfeiture of Five Pounds for every Refusal or Neglect to apply to their said Justices for such Order, for the doing thereof, as aforesaid; and also to the like Penalty or Forfeiture of Five Pounds, for every Month after the Time above limited for enlarging or widening their said Roads or Highways, or any Part or Places thereof, during so long Time as the same shall continue or remain undone, or not finished, as aforesaid: To be paid by, or recovered from, such defaulting or offending Commissioners or Surveyors, or other Person or Persons, or any of them, or by or from all or any of the Inhabitants (being chargeable with the Repairs of such Highways) of any such City, Town, or other Parish, or Place or Places respectively, into the Hands of their said Surveyor,
or

Penalties on their Neglects to apply for an Order to do so;

and for not doing the same, after such Order obtained:

How to be recovered; and to whom, and for what Purpose paid.

or Supervisor-General and Director, to be by him, and at his Discretion, laid out or paid, and applied or allowed, towards the Repairs of any of the said publick Roads or Highways (not being Turnpike Road) within his County; and that the said Penalties shall be also levied and raised, from time to time, in Manner herein after mentioned.

29. And that all and every such other Alterations or Defects, or Want of Reparations or Amendments, Cuttings, Diggings, Cleansings, Scourings, or Things, necessary to be done in or about any of the said publick Roads or Highways, or any of the Ditches, Trenches, Dykes, Drains, or Outlets, for Water therefrom, or in, about, or to, any of the Way-posts, or other Posts and Things whatsoever, necessary or belonging, or in any wise relating, thereto, as shall be mentioned in any such Notice of their said Surveyor, or Supervisor-General and Director, for that Purpose, shall be well and sufficiently repaired, amended, made, scoured, cleansed or done, or procured to be well and sufficiently repaired, amended, made, scoured, cleansed or done, by such Person or Persons, Commissioners of the Turnpike Roads, or other Surveyors or

Any other Repairs, in such Notice mentioned, how, and in what Manner, and by whom, and within what Time, to be done;

PROPOSALS for the

Surveyor of the Highways, or proper Person or Persons by whom the same ought to have been done, pursuant to such Notice, and within Two Months next after the Receipt thereof, or within such further reasonable Time for the doing thereof, as shall be only allowed, by Certificate under the Hands of Three or more Justices of the Peace of their respective Counties; a true Copy of which said Certificate shall be also served on the said Surveyor, or Supervisor-General, within Six Days after the obtaining thereof; subject to, and under, the Penalty or Forfeiture of Five Pounds for every Neglect or Refusal so to do; to be levied, raised, and paid also, in the same Manner, and to and for such Person, Uses, Intents, and Purposes, as concerning the said other Penalties for not enlarging their said Highways is directed.

and under
what Penal-
ties for Neg-
lect thereof;
and how such
Penalties
shall be le-
vied; and
to whom,
and for what
Purpose
paid:

Over and be-
sides all for-
mer Penal-
ties for not
doing there-
of.

30. And that all and every such Commissioners of the Turnpike Roads, or Surveyor or Surveyors of the Highways, or other proper Person or Persons whatsoever by whom the said Repairs or Amendments, or any of them, ought to have been done or directed, as aforesaid, shall (over and besides the above-mentioned Penalties, or any of them, for

for not doing the same after such Notice as aforesaid) also still be, and continue and remain; nevertheless subject and liable to all and every, or any, of the other Penalties or Punishments to which they are already subject or liable by virtue of any former, or other Statute or Statutes now in being, or of any Clause or Clauses in them, or any of them, or any other Law, Custom, or Usage, of these Kingdoms for their said Neglects.

31. Provided also nevertheless, That if any Rate or Assessment, or any Fine, Penalty, or Forfeiture, or Sum of Money, rated, assessed, or charged or imposed upon, or incurred, or become forfeited by, any City, Town, or other Parish, or Place or Places whatsoever, by virtue hereof, or of any Clause, Direction, or Thing, herein contained, shall hereafter be levied on any One or more of the Inhabitants of any such City, Town, or other Parish, or Place or Places respectively; upon Complaint thereof to the Justices, at any of their Sessions, the said Justices, or any Two of them, shall, by their Warrant for that Purpose, cause a Rate to be made to reimburse the same to the Parties aggrieved, together also with all their

If any Rate or Penalty, charged on, or incurred by, any Place, be levied on any one or more Inhabitants, how such Persons to be redressed.

PROPOSALS for the

Costs, Charges, and Expences, occasioned thereby; which shall be levied by the respective Surveyor or Surveyors of the Highways in any such City, Town, or other Parish, or Place or Places, chargeable therewith, and shall be by him or them paid over unto such Person or Persons aggrieved as aforesaid, save and except only in the Cases of any Penalties or Forfeitures which shall, at any Time, be levied on any Commissioners of the Turnpike Roads, or Surveyors of the Highways for the Time being, and which shall be incurred by them, or any of them, or by Reason or Means of their, or any of their, own wilful Refusal or Neglect.

Surveyors, or Supervisors-General, to account for the Forfeitures by them received.

32. That all and every such Surveyors, or Supervisors-General and Directors, shall, once in every Two Years, or oftener, if thereto by the Justices required, at any General or Quarter-Sessions of the Peace which shall be held in and for their respective Counties, return, to the Justices thereof, a fair and just Account, in Writing, and upon Oath, to be sworn before some or One of such Justices, of all such Fines, Penalties, or Forfeitures, as shall have been by them respectively, in the mean Time, received; and how, and in what Manner,

ner, and to whom, and for what Purposes, the same, or any Parts thereof, hath been laid out and paid, disposed of or applied, by virtue of the Powers and Directions herein before given for that Purpose: A Duplicate of which said Account shall be also allowed by the said Justices, and signed by Two or more of them; and the Balance thereof, if any shall appear to be remaining in the Hands of any such Surveyor, or Supervisor-General, shall be carried forwards into his next Account; and which said Balance shall, on the Resignation, or Removal, or Death, of any such Officer, be paid or accounted for, or recovered, by or from such former Surveyor or Supervisor-General, or his proper Representative, to such other Person as shall be next afterwards appointed to succeed into his said Office.

33. And that it shall and may be lawful for all the Justices of Peace, or the major Part of all such Justices of Peace, in their respective Counties, at any General Session or Meeting of them, or the major Part of them, as aforesaid assembled, and which shall be by them, or any Six of them, appointed and held, at any Time after Three Months public Notice shall have been given to all the

May be removed by the major Part of the Justices of his County; and for what Cause.

PROPOSALS for the

the Justices of the Peace of any such County, and also to the Surveyor, or Supervisor-General and Director thereof, of their Intention so to do, to remove or displace any such Surveyor, or Supervisor-General and Director, for any wilful and material Neglect or Refusal to proceed against any Person or Persons, or Place or Places whatsoever, according to the Powers and Directions herein before given him for that Purpose, for the procuring any reasonable and necessary Repairs or Amendments to be done, in any Parts or Places of the publick Roads or Highways in his said County, after he shall have received Notice or Information from Two or more of the said Justices, in Writing, of the Place and Condition of the Defect, or Want of Reparation or Amendment therein, but not otherwise; and, after any such Removal for such Neglect or Refusal, as above-mentioned, the Justices of the Peace of such County shall, in the Manner herein before directed, also appoint some other competent Person to succeed into the said Office.

Offenders,
how to be
convicted.

34. That all and every such Person and Persons, who, at any Time hereafter, shall be or become guilty of any of the Offences herein before-mentioned,

ed, may be convicted thereof by any One or more Justice or Justices of the Peace of the County or Counties where such Offence or Offences shall be committed, done or suffered, by or upon the Oath of One or more credible Witness or Witnesses, or by such Justice or Justices View thereof.

35. And all and every of the above-mentioned Fines, Penalties, or Forfeitures, which shall at any Time be incurred, or become forfeited, for any of the herein before-mentioned Offences, or in any Manner, by Virtue, or by Reason or Means hereof, shall be levied by Distress and Sale of any of the Horses which shall be found drawing in any offending Carriage or Carriages, or whereon such offending Horsemen, or any of them, shall be found riding as aforesaid, or on the other Goods, Chattels, or Effects, of any Offender or Offenders, or Person or Persons, by whom the same shall have been incurred, or become forfeited, or payable, as aforesaid, together also with the Charges of such Distress, by a Warrant from the said Justice or Justices before whom any such Offence or Offences shall be so proved, as aforesaid, for that Purpose; and shall be paid, One Moiety thereof

Penalties,
how to be le-
vied; and to
whom; and
for what Pur-
pose paid.

PROPOSALS for the

thereof to the Commissioners of the Turnpike Roads, or Surveyor or Surveyors of the Highways of the Place where such Offence or Offences shall have been committed, done, or suffered, to be by them or him laid out in the Repairs of his or their respective Roads or Highways, and the other Moiety thereof to the Discoverer or Discoverers, or Prosecutor or Prosecutors, of any such Offence or Offences; save and except only in all such Cases, wherein any such Penalties or Forfeitures are herein before directed to be paid to the Surveyor, or Supervisor-General, of the County wherein they, or any of them, shall become forfeited or incurred, as aforesaid; and in every, or any, of which Cases the whole, and every Part, of all such Penalties or Forfeitures shall be paid into the Hands of the said Surveyor, or Supervisor-General, of such County wherein the same shall become so forfeited or incurred, as aforesaid; to be by him laid out, applied, and disposed of, according to the Directions herein before for that Purpose mentioned: And all and every of such Penalties or Forfeitures, as shall be, at any Time hereafter, incurred, or become forfeited, by any of the before-

men-

Owners ag-
grieved by
the Levy of
offending
Makers Pe-
nalties, how
to be redref-
sed.

mentioned offending Makers of Wheels, Carriages, or Axel-trees, and which shall be, at any Time, levied or raised from or upon the Owner or Owners of any such offending Carriage, or by Distress or Sale of any of the Horses which shall be found drawing therein, by virtue of the Powers herein for that Purpose given, shall and may also be recovered by any such Owner or Owners, of and from the said offending Maker or Makers of such Wheels, Carriages, or Axel-trees, otherwise than as herein before is directed, and every of them respectively, by Distress and Sale of his or their Goods, Chattels, or Effects, by Warrant from any one Justice of the Peace for that Purpose, together also with the Charges of any such Distress.

36. And, for the more effectual bringing all and every of the said Offenders to Justice, that all Constables, Head-boroughs, and other proper Officers of the Peace, within their respective Parishes, Places or Districts, or in any Pursuit thereof or therefrom, in any other Place, shall apprehend and take, and shall be aiding and assisting to all or any Person or Persons whatsoever in the apprehending and taking, all and every, or any, of such offending Drivers of
G Wheel

Constables,
&c. im-
powered and
directed to
take Offenders;

PROPOSALS for the

and carry
them before
the next Jus-
tices ;

and may de-
tain Car-
riages,
Horses, &c.
until Order
is made.

Wheel Carriages, or Horsemen, as afore-
said ; and also all and every, or any,
other Driver or Drivers of any Car-
riages, the Wheels whereof shall be
otherwise made, or placed, or set upon,
the Roads, than as herein before is di-
rected, or which shall be found drawn
by any more, or greater Number, than
Six Horses or other Cattle, or the Horses
or other Cattle whereof shall be other-
wise placed or used, in or to their said
Carriage, than according to the Direc-
tions herein before for that Purpose
mentioned ; and shall forthwith take or
carry all and every of such offending
Drivers or Horsemen, together also with
the Person or Persons by whom they
shall be accused or charged with any
such Offence, and also all and every of
such other Drivers of offending Car-
riages as aforesaid, before any Justice or
Justices of the Peace of the County
(and who shall reside nearest to the
Place) where any such Offence or Of-
fences shall have been committed, to
answer for any such Offences ; and shall
and may also detain and keep all and
every of their said Carriages and Horses,
or any of them, until such Justice or
Justices shall have made or given any
War-

Warrant, or other Order therein, or relating thereto.

37. And all and every, or any, of such Constables, Headboroughs, or other proper Peace Officers, who shall, at any Time, neglect or refuse to do or execute the Duty of their said Offices herein, as aforesaid, shall be also subject or liable to the Penalty or Forfeiture of Forty Shillings for every such Neglect or Refusal so to do; to be levied on their respective Goods by Warrant from any one or more Justice or Justices of the Peace, and paid; one Moiety to the Surveyor of the Highways of the Place where such Offender shall reside, to be applied towards the Repairs of his said Highways, and the other Moiety to the Informer, or Prosecutor thereof.

38. That all Matters and Things whatsoever, relating to or concerning any of the said Roads or Highways, and also all Causes, Suits, or Prosecutions, or Appeals, or any Kind of Proceedings, for or against, or by Reason or Means of, any of the herein before-mentioned Offences, or which shall, at any Time hereafter, be done, or commenced, or prosecuted, or carried on, by virtue hereof, or of any Clause or Clauses, or Directions, herein contain-

Penalties for neglecting or refusing their said Duty.

All Matters concerning the said Highways, or Offences therein, to be determined only in the County where they lie.

PROPOSALS for the

ed, shall be so done, or commenced and carried on, or prosecuted and determined, only in the respective County or Counties where such Roads or Highways shall lie, or where any such Offences shall be committed, done, or suffered, as aforesaid, and not elsewhere.

No Person shall be prosecuted after Six Months from the Time of any Offence.

39. And that no Person or Persons whatsoever shall be prosecuted, for any of the Offences herein before-mentioned, at any Time after Six Months from the Time when such Offence or Offences respectively shall have been committed, done, or suffered, as aforesaid.

Persons aggrieved may appeal.

40. That all and every such Person or Persons as shall, at any Time hereafter, be aggrieved by any Rate, Assessment, or other Act, of any of their said Justices out of their Sessions, shall have Liberty to appeal to the Justices of the Peace at their next General or Quarter-Sessions, who shall there make such Order therein as they shall find most reasonable; and all and every such Persons, as shall be at any Time aggrieved by any Order of Sessions (save and except only in the Cases of such Orders or Decrees as shall, at any Time, be made according to the Directions herein before-mentioned or contained, for the purchasing and laying down of any Lands

Lands or Grounds into the publick Roads or Highways; and which said Orders or Decrees of the said Justices, for that Purpose made as aforesaid, are all of them to be final or conclusive, as before-mentioned) shall have Liberty to appeal to the Judges of Assize at the next Assize which shall be held in and for their respective Counties only; who shall either affirm, alter, or reverse, the same, as they the said Judges of Assize, or either of them, shall think most reasonable; and who, if he or they shall see Cause to affirm any such Order of Sessions, shall also award Costs to be paid by the Appellant.

41. That if any Suit or Action shall be, at any Time, commenced or brought against any Person or Persons, for any Matter, Act, or Thing, which shall be done by virtue, or in pursuance, hereof, or of any Clause or Clauses, or Directions, herein contained, such Action shall be laid in the County only where the Offence shall be charged or pretended to have been done: And the Defendant may plead the General Issue thereto, and give the Special Matter in Evidence at the Trial thereof; and that the same was done by Authority, or by Virtue, of this Act: And if the Action shall

If any Suits brought against Persons acting under this Act, Plaintiff's Nonsuit, &c. to pay double Costs.

PROPOSALS for the

shall have been brought in any other County; or if, on the Trial thereof, there shall be a Verdict found for the Defendant; or if the Plaintiff shall be Nonsuit, or discontinue his said Action, or shall have Judgment against him upon Demurrer; or if such Cause shall any otherwise go for the Defendant, that then all and every such Defendant and Defendants shall be intitled to have and recover double his or their Costs, Charges, or Expences, in or about any such Suit.

Penalties on
Justices neg-
lecting or re-
fusing to act.

42. And that if any Justice or Justices of the Peace shall, at any Time, neglect or refuse to act or do any of the Matters or Things herein before-mentioned and required to be by them, or any of them, done; all and every of such Justices neglecting or refusing so to do, shall forfeit and pay the Penalty or Sum of Five Pounds for every such Neglect or Refusal; one Moiety thereof to any Person or Persons who will sue for the same, and the other Moiety to the Surveyor or Surveyors of the Highways, where such offending Justice or Justices shall reside, to be applied towards the Repairs of such Highways: All which said Penalties shall be recovered of and from all and every such offending

offending Justices, or any of them, by any Person or Persons who will sue for the same, by any Action or Actions of Debt, in any Court or Courts of Record, together also with the Costs of Suit.

43. And, lastly, That all former Statutes, or Acts of Parliament, or Parts or Clauses of any former Statutes, or Acts of Parliament, which now are in Force or Being, and all and every other the present Laws, and lawful Usages, Customs, Manner and Power, of Rates and Assessments, Methods and Regulations whatsoever, relating to, or in any Manner concerning, the Roads and Highways of these Kingdoms (save and except only such as shall be repugnant or contradictory to any of the Laws and Rules, or Directions, or Regulations, herein before-mentioned and contained relating thereto) shall remain, continue, and be in full Force and Virtue: And that all such former or other Statutes, or Acts of Parliament, and all the Parts or Clauses of any former or other Statutes, or Acts of Parliament, and all former Laws, Usages, Customs, Powers, and Things whatsoever, and every of them, which shall be found repugnant or contradictory to any of the Laws and Rules,

All former Laws, not repugnant hereto, confirmed, and all that are so repealed.

**Rules, or Directions, or Regulations,
Matters or Things, herein before ex-
pressed, mentioned, directed, and con-
tained, in any Respect whatsoever, shall,
from and after the Day of
 be, and stand absolutely,
repealed and declared of none Effect.**

BRIEF



B R I E F
R E M A R K S
A N D
C O N S I D E R A T I O N S
O N T H E
Foregoing P R O P O S A L S.

Tending to prove

The Necessity and Utility thereof.

THERE will be little Occasion to point out the Utility of broader Wheels to all Carriages, almost every Gentleman, and very many Farmers, and others, being already so sensible thereof, that those only are now used in Gardens, Lawns, and Parks, and in many Places on even the ploughed Lands and Grounds, for preventing those very Mischiefs we have so long justly complained of in our Roads, as well as

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for this further Reason, That the narrow Kind, by their sinking deep into the Lands, are therefore so difficultly drawn, that the strongest Teams are scarce able to perform their necessary Work; whilst the broader Sort are not only more easily wrought with fewer Horses and Servants, and less Injury to the Ground, but pass over more expeditiously, and, I had almost said, more lightly thereon.

And surely then, if in the finest Lawns and gravel Walks, and in the yet softer ploughed Lands, they are so advantageously used, our Roads every where would also receive great Benefits therefrom; as Rollers, levelling down the Ruts and Inequalities, and pressing out therefrom the Water, which, notwithstanding all the Contrivances hitherto made Use of for the draining it away, hath first filled and been stopped in the deep Ruts and Holes, and remaining there, hath served only to soften the Earth in such Manner, as to qualify it for a yet deeper Impression, whereby the Inconveniency has always been, and must still continue increasing (under the former Usage) even although all such Ruts were every Year to be completely filled up; as the new Earth or Materials

rials can scarce possibly so soon acquire a sufficient Hardness, to resist the destructive Force of the first weighty Carriage with its narrow cutting Wheels, that may happen to pass over it.

And it may be worth remarking, what I have myself, and others likewise must, have often observed, of one of our ordinary Coal Carts passing on the Roads near *London*, That, on its Way, it has not only levelled, but also, at the same Time, pretty sufficiently rolled, or pressed down, the Ruts of a greater Space in One half Hour, than Half-a-dozen Men, with their Spades, could have filled up in Six.

And this they are able to perform, and frequently do, with upwards of Two Tons Weight, and only Three Horses, notwithstanding all the Disadvantages they at present labour under, of being drawn either with their Horses passing in the very Ruts, where they are almost crippled, and a great deal of their Strength must be necessarily lost for want of any tolerable Footing; or otherwise with their Wheels in those Ruts, and over the not less formidable Ridges or Furrows thereof, which serve only as Walls or Banks for so many Impediments; and through all of which,

Brief REMARKS

not being adapted to pass between them, their said Wheels must therefore in passing first make the Road over which they are to go.

It has been indeed, by some, lightly objected only,

First, That the additional Weight of such Wheels will be of considerable Consequence : And,

Secondly, That, being broader on the Surface of the Ground, they will naturally, in their Way thereon, meet with many more of the looser Stones and Pebbles, which, those Objectors say, will be a Multiplication of such Hindrances.

To the First of these it may be answered,

That, as any Wheel may be rolled over the Ground by its own Axis, with perhaps less than a Fourth Part of the Strength which would be required to draw the like Burden even on the smoothest Ice, the very Weight of the Fellies and Spokes thereof, from the Center every Way, being assisting thereto in its Rotation, in such Manner, that a much less additional Strength would be sufficient

sufficient to roll more than twice such Weight: The Difference therefore, occasioned by the Alteration therein proposed, would also be proportionally of much less Consequence than is at present, by such Persons, imagined; even although there were to be no additional Burden allowed to be drawn, or other eventual Conveniencies to compensate it.

And, that the major Part only of the Fellies of such new-intended Wheels, being required to be of any additional Thickness or Breadth, the Spoke Edges thereof might be rounded off, or concaved in, to the Spokes, which, together with their Naves, might still be made only of any reasonable Strength or Substance: They would not make any the least disagreeable Appearance; and even the additional Weight of such Wheels would then be very little more than that of the broader Tiers thereof.

And, to the Second Objection,

That such Impediments would not only then be more seldom to be met with *, but, when they were so, would, by the Weight of such Carriages with their broader Wheels, be easily pressed into,

* See also hereafter, page 57.

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into, and even with, the Earth; as is the Case of all Gravel Walks, wherein, soon after they are laid with the roughest Gravel, and rolled, there is scarcely ever any loose Stone of Consequence to be found.

And to both of them, even supposing they could be deemed otherwise unanswerable, or should be admitted in all their strongest Force;

They cannot, surely, be compared with that other Objection, of being drawn, as Carriages now are, through deep and miry Ways and Sloughs of their own Making, and oftentimes with their very Axel-trees, or the Naves of their Wheels, upon the Ground.

Neither is the Proposal, That the Horses of all Waggon and Carts (if more than Three of them) should draw in Pairs, and abreast of each other, a Regulation of small Importance, but such a one as will be found absolutely necessary, and also productive of very desirable Consequences; for, by this Method, the Horses passing in their respective Quarters or Paths over the broad Wheel Tracts, will not only greatly contribute to the general Design, by trampling down any slight Inequalities, and beating and consolidating the Earth
about

about them, but will also preserve every where the necessary good quartering Tracts for Coaches, Chariots, and other Carriages; and the Nobility, Gentry, and others, will then be able to travel as well in any cross or lesser Roads, leading to any Place, or in any cross Country Journeys whithersoever they may have Occasion to go, as in the greater Roads, and with equal Ease and Safety.

They will not then be under the disagreeable Necessity which they have hitherto been, of sometimes travelling even Scores of Miles about to their Journey's End; would be more frequently tempted to make Country Excursions, and visit oftener their own Estates; and the very Villages, and Farmers and Tenants every where, would flourish, and become greatly benefited thereby.

And it is also a Method the rather desirable, even by the Waggon Owners, as it is hardly a Question, Whether Six Horses would not be able to draw a greater Weight in this Manner, than in their longer Traces before each other; it being most apparent, that at least at every Off-set, the nearest Horses to the Carriage have pulled their Strain before the foremost can have settled themselves to their Harness; and that, whilst any
Part

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Part of any of their Traces are the least slackened, as many of the Horses as are before such Part are not of the least Service; and, in Pairs abreast in double Shafts, or even with a Pole, it is hardly possible, with any skilful Driver, that the Strength of more than One Horse should be, at any one Time, lost for being then nearer to the Carriage, and their Traces divided into less than separate half Lengths, the Horses will be in a greater Measure independent on each other, and also more under the Eye of the Driver; who may either drive them from a Seat before the Waggon, with the Assistance of a Postillion Boy only, or otherwise on Foot, when he likes best so to do.

It would be indeed impracticable to travel, in many Places, in this Manner, as the Roads now are, with their narrow Wheels; because, by this Means, the Horses, being to pass over, upon, or near, the deep Ruts, where they can have no solid or level Ground to bear upon, would be continually blundering and stumbling, and oftentimes tumbling into or upon such Ruts, in such Manner, as that, if they were not often thereby lamed or crippled, they would be frequently at least either foundered,
or

or so soon tired with the Fatigue, as to be rendered unable to perform any considerable Journey.

And, on the other hand, with the Assistance of the broader Wheels, which, instead of creating any such material Inconveniencies, would rather, as Rollers, prevent them: They would even themselves, by their beating and trampling the Ground in their respective Quarters, as aforesaid, not a little contribute to remove any slight Impediments.

Their respective Paths would be then every where plain and solid to bear upon, and less liable to the Annoyances which even such Waggon Horses are at present subject to, by the * Falling of the loose Earth, and Stones, and Flints, from the lofty Ridges or Furrows of the Ruts into their Paths, by which they are often lamed, or hurt in their Feet; and which, if the Roads were more even, and firmer bound, would much seldomer be met with.

And the Waters then every where passing off without any Hindrance, as from a Plane to the lower Grounds and Ditches, would leave the Roads, in all Places, dry to the Influence of the Sun and Winds, whereby they would, even

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* See before also, page 53.

Brief REMARKS

after the greatest Floods, be soon so sufficiently hardened, as not easily to receive any material Prejudice from the most weighty broad-wheeled Carriage that may have Occasion to pass over them in Manner aforesaid.

But it is hardly conceivable, by Persons not used to travelling, that the Space or Distance between our Ruts or Wheel Tracts, deep as they now are, even near *London*, is very uncertain, and that, in Places more remote, they vary (if I am informed aright) to Five, Six, Seven, or Eight Inches, and sometimes more; insomuch, that many Persons are under a Necessity of contriving their lesser or light Carriages (which only can be so contrived) in such Manner, as that the Wheels thereof may be let out wider, or taken in narrower, occasionally; and this must often be done at uncertain Times in a Journey, thro' many deep, dirty, and even then very dangerous Roads: — A Contrivance, in itself, attended with a great many hazardous Inconveniencies to those lighter Carriages, in which many reputable People have only an Opportunity of travelling, and absolutely impracticable to those of any greater Consequence.

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Those Carriers therefore, and other Persons, whose Journeyings are in different and remote Places, have not only these almost insuperable Difficulties to encounter with, by which they are liable to Delays or Hindrance, and very terrible Accidents, but the Roads also themselves are so unequally damaged, and torn up and injured, as that in many Places, and of the great Roads too, they are already become almost unpassable; and must, I fear, unless some timely Stop can be put unto these growing Mischiefs, be at last every where absolutely ruined.

If it should be objected, That such Alterations will unavoidably occasion a first great Expence to the Farmers and others, who are herein before admitted already to be scarce able to support themselves under their present Outgoings; myself, who am, in their Behalf, as tender, in that Respect, as any one can be, beg Leave to observe,

That the Vehicles themselves, as they are at present used, will still very effectually answer all their intended Purposes, and will not, therefore, need any the least Alteration or Expence to them whatsoever; the Wheels only and their Axel-trees, with a Splinter-bar and Pole,

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or a dividing Shaft between the other two, which may only be placed wider apart (and will then do again as well as any new ones) being all wherein any Alteration is required; and the Furniture for the Horses will then likewise be almost exactly the same as hitherto.

The trifling Expence, therefore, which it is apparent can only be hereby occasioned, will be soon most amply recompensed, as well for the before-mentioned Reasons, as because of the Strength of such broader Wheels, which may be then made of almost any Wood, and which, by the lasting Wear thereof, would be more than adequate to any reasonable Advance of Price for them; and all Persons would be at Liberty to build their future new Vehicles in such Manner as they liked best.

Coaches, Chariots, and Carriages of all Sorts for the Accommodation of Passengers, might then be made wider, and more commodious, for the Ease and Conveniency, or Advantage, of their Owners; their Wheels might also be made with handsome turned Spokes, which the present narrow ones will scarcely admit of, and which, notwithstanding their additional Strength, whereby, and by the additional Width or Dis-

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tance between them, many Accidents of Overturnings and Breakings-down would also be avoided, and many Mischiefs thereby prevented; — would be so far from the least Deformity, that they would, on the contrary, add considerable Beauty to every such Machine; and the additional Expence also of these would be more than saved by the Time of the Wear thereof.

Not only the Roads, but the paved Streets of Towns also, every where, would receive rather Advantage than Prejudice by the Carriages of all Sorts rolling over them; and Travellers on Horseback likewise might then safely pass along, who, hitherto, by the plunging of their Horses into the deep Ruts and Holes, and broken Places and Pavements, in our Roads and Streets, have been very frequently thrown, to the manifest Hazard, and sometimes Loss, of their Lives or Limbs, and of their Horses also.

Our Inhabitants would then also be at much less Charge or Expences for the Repairs of their respective Pavements; and the Turnpike Tolls, and other Rates, Duties, and Services, for the Repairs of the Roads and Highways, would,

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would, in a very few Years; be considerably diminished.

Less, I apprehend, may suffice on the Proposal for widening the Roads where necessary and practicable; the Expediency whereof is now so generally known, and has been found so useful for many Reasons, that many of the narrow Parts, in most of the high Roads in the Kingdom, have lately been widened, others still are widening, and Applications are now almost daily made to Parliament, from different Counties and Places, for Powers to enlarge and widen yet more of them.

Add to these, therefore, here only the following, which, amongst other Benefits (under such new Regulations) would naturally arise therefrom.

By the two several Tracts or Passages therein, the Carriages being then also to draw always on the left-hand Side, in such Manner as to pass and repass in different Tracts, those Passages would be each of them only half worn, and both of them would require much less Amendments than the present one only; as they would respectively have more Time to harden and dry, over and besides the Spaciousness of the Road, which, by a freer Admission of the Sun, Air, and Winds,

Winds, would very greatly contribute thereto; whereas, on the other hand, it is observable,

That the weightiest Waggon now constantly travel backwards and forwards in the same Tract, grinding upon, and wearing and tearing up, the Ruts thereof, without Intermiffion, and with their narrow Wheels cutting them yet deeper in the very Middle of such Roads, to the great Annoyance of any other of the Carriages for whom only such Roads are paffable, and of each other, when they happen to meet therein.

Being then both of them obliged to submit to the Hazards and Delay of drawing down to the lower Sides of such Roads (which are now never mended, or thought of) or into the very Ditches, if there be, at any Rate, room to pafs by each other at all; or otherwise one of them at least must, with the greatest Difficulty, be drawn back again by the hinder Parts thereof, until they find a Space wide enough to enable them to do so.

All of which Inconveniencies might, if the Roads were so widened in all the practicable Parts thereof, be avoided, save only in those few Places where it cannot be effected (and which would
not

not then be of any considerable Length or Consequence) by the Assistance of the other proposed Rules or Methods of travelling thereon.

In the Consideration of which said other proposed Rules or Methods of Travelling, I need only appeal to the Remembrance of almost all Persons, how great are the Inconveniencies and Dangers, and how mischievous the Events, when two Carriages meet, or drive, or Horsemen ride, against each other in the Night Season, or even in the Day-time, which very frequently happens; and then such Carriages, howsoever weighty or heavy laden, are obliged to quit, with Difficulty enough, their former Tracts, to pass, tearing up the Ground to cross the Ruts, and their Ridges or Furrows, which are proportionable thereto, and almost equally dangerous; breaking and destroying their Wheels, Axel-trees, and Harness, oftentimes overturning, to the Damage of the Goods therein, great Hurt to, and perhaps the Loss of, the Lives of Passengers, and the overstraining, or spoiling, or rendering useless, many valuable Horses.

And all these likewise, under the proposed Regulations therein, would be,
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for the future, avoided; they would then very seldom meet at all; and, when they happened at any Time to do so, would have no such deep and terrible Ruts to encounter with.

It is also further proposed, That Way-posts should be erected at the Ends of all the Cross-roads and Turnings between the Villages, &c. with Directions thereon through what Places such Ways lead to the next Market-Town, and the Distance also thereto; the Use and Intent whereof is too obvious to require much Explanation.

For the Want of such has already been, no doubt, universally felt. Coaches, with their Companies, have been often forced to wait at the Appearance of Two or Three such Turnings, whilst they have sent their Servants little Journeys up the respective uncertain Ways, only to enquire which of them ought to be pursued.

The weary Traveller on Horseback, unacquainted with the Roads, is also obliged daily to submit to many vexatious Disappointments and Delays, in Lanes and on Commons, where there are many such Turnings far distant from the least Possibility of any Information. —He is often at a Loss which Path to

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go into.—Sometimes driven back again several Miles for Direction, or must otherwise, at a Venture, chuse that wherein he is led perhaps more out of his Way.—By Means whereof he is very frequently delayed until benighted, and is thereby under the Mortification of being liable even to worse Accidents.

By the Ignorance, and sometimes Wilfulness, of casual Directors, many perplexing Uncertainties are likewise occasioned; and another material Inconveniency also it is, That, by the Corruption of Words, many Places are unknown, even in their own Neighbourhoods, by the true Names thereof.

And, by the unerring Directions of such Way-posts, Travellers would not only then be informed of the Ways by which they were to pass on their respective Journeys, but also of the true Distance they had to go, and would be thereby fortified with a Patience suitable thereto.

And, in general, by preventing or avoiding all the before-mentioned hazardous Inconveniencies, Impediments, and Hinderances, and by the Improvement of the Face of the Roads in all Places, which, I conceive, with less than One Half of the Expence and Labour

bour that hath been hitherto bestowed on them in Amendments, may easily, under the foregoing Directions, in a very few Years, be rendered as a delightful Plane, unannoyed by so much Mire or Dust as they now are in the Winter and Summer Seasons.

Not only Waggon, Carts, and other heavy Carriages, but also Coaches, Chariots, Chaises, and all other Conveniences, and Horsemen, will be then able to pass every where with Ease and Security: Those Families which, in Places remote from the great Roads, are now under the Necessity of being almost Strangers (on Account of the unpassable State of their Highways) to each other, will have a free and easy Communication, by even the Cross-roads, in their Coaches, and Travelling will become, instead of fatiguing, as it now is, to all Persons, rather inviting.—Journeys may then be performed, and Goods and Merchandizes conveyed more expeditiously; and, over and besides all the before-mentioned Advantages, many other great and valuable Benefits will naturally result to the whole Kingdom therefrom.

And forasmuch as it is apparent, that the executive Part of some of our most

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beneficial Laws, being in the Hands of many Persons, without any adequate Recompence for their Trouble which might be occasioned thereby, are therefore but too tardily, and, by many of those Persons, not at all attended to; and although it must be admitted, that the Commissioners of the Turnpike Roads have done even Wonders in the Performance of their Trusts within their Districts; yet, because it cannot be expected to find equal Abilities and Care on the Parts of all the other Surveyors of Highways, whose other Avocations prompt them to less Diligence therein.

I have, therefore, for the more certain and effectual enforcing not only these, but also all the former Laws, relating to Highways, and carrying them into Execution, thought it necessary further to propose one general Surveyor or Supervisor over all the publick Roads and Highways in every County; whose particular Duty and Interest also it will then be, from time to time, to survey his said Roads, and to superintend, and direct, and enforce, the doing any necessary defective Repairs therein, in such Manner nevertheless, as that the Appointment of such Officer will not at all dis-

discharge any such other Surveyors of any Part of the present Duties of their respective Offices, nor from any of the Penalties to which they are, or may be, by any of the present Laws, liable for any Neglects therein; and so also as that such general Surveyors will be likewise punishable, by Removal, for any Partiality, either to Persons or Places, after Notice shall have been given him of any such Defects, by Two Justices of the Peace, in Manner as in the said Proposals more at large is mentioned.

By Reason whereof such other Surveyors must also then be, in their respective Duties at least, as diligent as they now are, notwithstanding any accidental Oversight of their said Surveyor-general; and the Justices will likewise be sufficiently impowered to compel even him to the most effectual Execution of his said Office; and all of this without the least Diminution of, or Prejudice to, any of the present Authorities or Powers with which they are already invested.

And, that he shall be paid a competent Salary for his said Trouble, and also a further yearly Sum for necessary Horses, Servants, and travelling Expences, to enable him sufficiently to
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execute his said Duty therein, by a proportionable Rate for that Purpose on the whole County, upon which it cannot then be any considerable Burden; and the rather so, as I conceive it will be many Times over amply recompensed by the other Considerations and Savings before-mentioned.

And in like Manner also, for defraying the Expence of purchasing necessary Lands to enlarge the Highways; if it should be judged more eligible than according to the foregoing Proposals, those also may be otherwise raised by general County Rates adequate to the Necessities thereof, and collected into the Hands of a general Receiver for that Purpose appointed; to be by him paid out in such Sums to the Owners of such Lands, or in such Manner, as in or by the before-mentioned Orders, or Decrees of Sessions, shall be respectively for that Purpose mentioned and directed.

The Remainder of the said Plan or Proposals is consisting only of Sketches, or imperfect Designs, of such other Powers and Clauses as may be found necessary, in any Act, for the Purposes aforesaid, in case it should be thought
fit

and CONSIDERATIONS, &c.

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fit to reduce the before-mentioned, or any of them, into an effectual Law.

And those, therefore, I shall only, with all due Deference, submit (together also with the rest of the said Plan or Proposals) to the Consideration of our Legislature; to be by them either rejected or varied, altered or amended, and reduced into the necessary Form of an Act, in such Manner as they, in their great Wisdom, shall think fit.

Concluding only for myself, that if hereby I am so fortunate as to have contributed ought for my Country's Benefit, I shall receive infinite Satisfaction for any Pains I may have taken therein.

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and CONSTITUTIONS, &c.

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Concluding only for myself, that if
happy I am so fortunate as to have
contributed ought for my Country's Be-

nefit, I shall receive
honour for any Pains I may have taken
therein.

F I W I S

